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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

Elizabeth HUNTER; Veronica Bonifacio )  
PENALES; Alex DURON; Zayn SILVA; )  
Rachel MOULTON; Victoria Joy BACON; )  
Avery BONESTROO; Nathan BRITTSAN; )  
Hayden BROWN; Devin BRYANT; Consolata )  
BRYANT; Brooke C.; Gary CAMPBELL; )  
Tristan CAMPBELL; Natalie CARTER; Saren )  
CRAIG; Mortimer HALLIGAN; Rachel )  
HELD; Lauren HOEKSTRA; Chandler )  
HORNING; Louis JAMES; Jonathan JONES; )  
Jamie LORD; Ashtin MARKOWSKI; Cameron )  
MARTINEZ; Joanna MAXON; Mackenzie )  
MCCANN; Darren MCDONALD; Scott )  
MCSWAIN; Faith MILLENDER; Jaycen )  
MONTGOMERY; Journey MUELLER; Jake )  
PICKER; Danielle POWELL; Megan )  
STEFFEN; Justin TIDWELL-DAVIS; Daniel )  
TIDWELL-DAVIS; Spencer J. VIGIL; Lucas )  
WILSON; and Audrey WOJNAROWISCH, on )  
behalf of themselves and all others similarly )  
situated, )

Plaintiffs, )

v. )

U.S. DEPARTMENT OF EDUCATION; and )  
Suzanne GOLDBERG, in her official capacity as )  
Acting Assistant Secretary for the Office of )  
Civil Rights, U.S. Department of Education. )  
Defendants. )

Case No. 6:21-cv-00474-AA

**PLAINTIFFS' UNOPPOSED  
MOTION TO EXTEND TIME  
TO FILE RESPONSE TO  
DEFENDANTS' MOTION TO  
DISMISS**

FED. R. CIV. P. 6(B)(1)(A)

### **CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7-1(a), counsel for Plaintiffs conferred with counsel for Defendants prior to filing this motion, and Defendants do not oppose the motion.

### **MOTION**

Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 16-3, Plaintiffs respectfully request a four-day extension to respond to Defendants' Motion to Dismiss from August 23, 2021, to August 27, 2021.

### **ARGUMENT**

Fed. R. Civ. P. 6(b)(1)(A) provides that the Court may extend the time for a party to act, if the request is made before the original time expires, for "good cause." Local Rule 16-3(a) additionally provides that a motion to extend a deadline must 1) show good cause why the deadlines should be modified, 2) show effective prior use of time, 3) recommend a new date for the deadline in question, and 4) show the impact of the proposed extension on other existing deadlines.

This is Plaintiffs' first request for an extension of time to respond to Defendants' Motion to Dismiss. Good cause exists for Plaintiffs' request. Defendants' Motion to Dismiss involves several constitutional and statutory issues. Plaintiffs need additional time to analyze the legal arguments presented by Defendants' Motion. Plaintiffs have effectively used their prior time. On August 5, 2021, Plaintiffs filed their Motion for Temporary Restraining Order and Order to Show Cause Why Preliminary Injunction Should Not Enter. Dkt. 44. Defendants filed their Motion to Dismiss on August 9, 2021. Dkt. 56. On August 17, 2021, Plaintiffs filed their Reply in support of Motion for Temporary Restraining Order. Dkt. 64. A hearing on Plaintiffs' Motion for Temporary

Restraining Order is scheduled for August 31, 2021. Dkt. 58. Plaintiffs' request for additional time will have little impact on other case deadlines.

Plaintiffs do not request the extension for any improper purpose or undue delay. Plaintiffs plan to expeditiously respond to Defendants' Motion to Dismiss and litigate the case. Defendants do not oppose Plaintiffs' Motion for Extension of Time.

### **CONCLUSION**

Plaintiffs believe good cause exists and respectfully request the Court grant Plaintiffs an extension of time to file their response to Defendants' Motion to Dismiss until August 27, 2021.

Date: August 19, 2021

s/ Paul Carlos Southwick  
**Paul Carlos Southwick**  
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**TRIAL ATTORNEY**  
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